

DLD-39

November 1, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 07-3661

07 MC 216

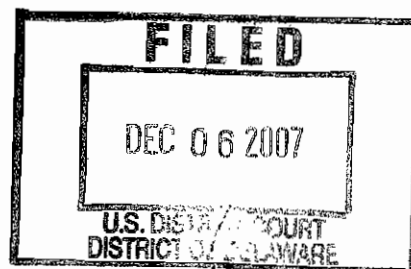
IN RE: HARRY L. SAMUEL

Present: BARRY, CHAGARES and ROTH, Circuit Judges

- (1) Submitted is Petitioner's application pursuant to 28 U.S.C. § 2244 to file a second or successive habeas corpus petition; and
  - (2) Petitioner's motion for the appointment of counsel
- in the above-captioned case.

Respectfully,

Clerk



MMW/EMC/tyw

ORDER

**The foregoing application to file a second or successive habeas corpus petition is denied. Petitioner makes no showing that a claim in his application rests on a new rule of constitutional law made retroactive to cases on collateral review by the United States Supreme Court, or on newly discovered evidence sufficient to establish by clear and convincing evidence that no reasonable fact finder would have found him guilty. 28 U.S.C. §§ 2244(b)(2) & (b)(3)(c). Petitioner's motion for the appointment of counsel is denied.**

A True Copy:

By the Court,

*Marcia M. Waldron*

Marcia M. Waldron,  
Clerk

/s/ Maryanne Trump Barry  
Circuit Judge

Dated: December 4, 2007  
tyw/cc: Mr. Harry L. Samuel

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BS*

OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

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215-597-2995

Delaware Clerk of Court  
District

Date 12/4/07

In Re: Harry Samuel  
(Caption)

C. of A. Nos 07-3661

Harry Samuel  
Petitioner

Enclosures:

12/4/07 Certified copy of C. of A. Order by the Court  
(Date)

       Record released

XXX Copy of this form to acknowledge receipt and return to C. of A.

       Please forward Certified List in Lieu of Record to this office.

       The certified copy of order issued as the mandate on                       
is recalled.

Tonya Wyche (267)-299- 4938  
Deputy Clerk Telephone Number

Receipt Acknowledge:

E. Stuckler  
(Name)

12/10/07  
(Date)

